

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 10/27/04 Item No: 4.f.
C.C.

File Number
PDC04-016

Application Type
Planned Development Rezoning

Council District
5

Planning Area
Alum Rock

Assessor's Parcel Number(s)
647-24-044

PROJECT DESCRIPTION

Completed by: Mike Mena

Location: Between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road)

Gross Acreage: 0.73

Net Acreage: 0.60

Net Density: 10.0 DU/AC

Existing Zoning: R-1-8 Single Family Detached Residence

Existing Use: One Single-Family Residence and Barn

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 6 individual single-family lots

GENERAL PLAN

Completed by: MM

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8 DU/AC)

Project Conformance:
☐ Yes ☒ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: MM

North: Single-Family Detached Residence

R-1-8 Single Family Detached Residence

East: Single-Family Detached Residence

R-1-8 Single Family Detached Residence

South: Single-Family Detached Residence

R-1-8 Single Family Detached Residence

West: Single-Family Detached Residence

R-1-8 Single Family Detached Residence

ENVIRONMENTAL STATUS

Completed by: MM

☐ Environmental Impact Report found complete
☒ Negative Declaration circulated on October 7, 2004

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: MM

Annexation Title: Hillview No. 4-A

Date: April 3, 1958

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☐ Approval with Conditions
☒ Denial
☐ Uphold Director's Decision

Date: 10-21-04

Approved by: *Susan Walton*
☐ Action
☐ Recommendation

APPLICANT/OWNER/DEVELOPER/

Calandev
C/o Maher J Louis
226 Airport Parkway #530
San Jose, CA 95110

CONTACT

Mr. Kurt Anderson
Anderson Architects Inc.
12201 Saratoga Sunnyvale Road
Saratoga, CA 95070

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Mike Mena

Department of Public Works

Please see attached memorandum

Other Departments and Agencies

City of San Jose Fire Department

GENERAL CORRESPONDENCE

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Mr. Stewart Fahmy, is requesting to rezone a 0.73 gross acre site from R-1-8 Single-Family Detached Residence District to A(PD) Planned Development District to allow the subdivision of the lot to six (6) 4,000 square foot lots for the future development of single-family detached residences.

The site is surrounded by existing single-family detached residences and is located within the boundaries of the Evergreen Development Policy (EDP) Area. The City Council adopted the EDP to set limits on growth (total number of dwelling units) within this specific area so that the transportation level of service of the area remains at an acceptable level. The Evergreen Development Policy together with the Evergreen Specific Plan identified the means to create sufficient traffic capacity and guide the build out of vacant parcels within the Policy area. The needed infrastructure, which supports the established set number of dwelling units within the Policy area, was paid for by existing landowners/developers through the Evergreen Development Policy Benefit Assessment District.

The Evergreen Development Policy Benefit Assessment District Map identifies the subject site as having allocation for three (3) additional units above the owners existing single-family residence located on the site. Therefore, the proposed six (6) unit project exceeds the four (4) units previously "assigned" to this site.

On January 27, 2004, the City Council adopted a resolution reaffirming the City's position regarding development under the existing Evergreen Development Policy. As a result the City Council has directed staff to discourage all new and pending General Plan Amendments and Rezoning from moving forward which involve residential development proposals without unit allocations or those requesting increased densities until the completion of the Evergreen Smart Growth Strategy. The Evergreen Smart Growth Strategy is scheduled for completion in June of 2005.

Project Description

A Planned Development Rezoning is being proposed to allow for the future subdivision of a 31,798 gross square foot lot into six net 4,000 square foot individual single-family lots. As depicted on the conceptual site plan, the project would have several characteristics typical of a single family detached residence. The proposed development would consist of six individual lots with street frontage and provide for typical front, rear and side setbacks of a traditional single family subdivision. Approximately 5,800 square feet of the project site would be required for public right-of-way in order to continue the

intended width of Mount Pleasant Road, resulting in a net project density of 10.0 dwelling units to the acre.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration was circulated on October 7, 2004. The Mitigated Negative Declaration addressed issues such as Noise, Traffic, Water Quality, Air Quality and Construction related impacts. With the implementation of the proposed mitigation measures, which include construction related mitigation for potential noise, urban runoff, air quality, and water quality impacts, and additional traffic mitigation, the project will not have a significant impact on the environment.

GENERAL PLAN CONFORMANCE

The 10 unit per acre density of the proposed development does not meet the maximum density level of the Medium Low Density (8 DU/AC) Designation. Additionally, the proposed development is not consistent with the Evergreen Development Policy related to maximum residential development and unit allocation under the Benefit Assessment District. Conformance with the General Plan and the Evergreen Development Policy is further discussed below in the Analysis section.

ANALYSIS

The primary issues analyzed for this project are conformance to the General Plan, the Evergreen Development Policy and Assessment District, and conformance to the Residential Design Guidelines.

General Plan and the Evergreen Development Policy

The subject property has a designation of Medium Low Density Residential (8 DU/AC) and is located within the boundaries of the Evergreen Development Policy area. As proposed, the subject project would be developed at a net density of 10.0 dwelling units to the acre. Since the project site is under 2.0 acres in size, the subject site may be found to conform to the General Plan Discretionary Alternate Use Policy under the Two Acre Rule, in that the project as proposed does provide greater perimeter setbacks and provides greater private open space than what is recommended in the Residential Design Guidelines and proposes to include storm water retention techniques by use of permeable pavement on driveway aprons and use of detached downspouts to landscaped areas.

Although the development may be found to conform to the General Plan under this Discretionary Alternate Use Policy Two Acre Rule, the project does not conform to the Evergreen Development Policy and the Evergreen Assessment District regarding unit allocation on this specific parcel. Additionally, as stated above, the City Council has directed staff to discourage such proposals that are requesting to develop additional units above what the EDP and the associated Assessment District would currently allow. Therefore, staff cannot support the proposed development of up to six units on the subject site. Under staff's recommendation of no change to the existing R-1-8 Single Family Detached Residence District, the developer may subdivide the property into four (4) lots for single family residential development consistent with both the General Plan Land Use Designation and the Evergreen Development Policy:

Residential Design Guidelines

1. **Unit Type.** The proposed project would result in the development of up to six single family detached residences on 4,000 square foot lots.
2. **Perimeter Setbacks.** The Residential Design Guidelines (RDG) provide appropriate setbacks for new development with respect to adjacent streets and adjacent uses. Per the RDG, the minimum setback for a two-story single family residential unit shall have a front setback of not less than 15 feet, have minimum 18 foot rear setback and provide a minimum of 4.5 feet for interior side setbacks

The proposed zoning provides a 25-foot front setback, a 24-foot rear setback and a minimum 5-foot side yard setback. These setbacks exceed the RDG standards for single family detached projects on lots between 4,000 and 5,000 square feet in size. The setbacks proposed by this project would exceed those recommended in the Residential Design Guidelines; therefore, staff's analysis has determined that the setbacks would be acceptable.

3. **Private and Common Open Space.** The RDG standards recommend a minimum of 750 square feet of private open space for each individual single family residential lots ranging from 4,000 to 5,000 square feet in size. The project as proposed would provide an average of 955 square feet of private opens space per residential lot. The RDG standards do not provide for common open space for developments proposing individual single family lots.

Conclusion

While the project would fully meet the applicable Guideline standards for a single family project on individual lots, the project does not conform to the City's Policy for development in the Evergreen Development Policy Area. This lack of conformance to the Evergreen Development Policy is critical in that the Policy was developed specifically to limit the number of units in the greater Evergreen area in order to maintain an acceptable transportation level of service. Approving individual projects with additional unit allocation not previously analyzed as part of the Policy is essentially piecemealing the development of the EDP without review of at the traffic impacts to the whole planning area. Thus, the City Council has directed staff to complete the Smart Growth Strategy for the Evergreen Area to consider whether additional residential and commercial development can in this City sub-area be accommodated.

As directed by the City Council with the adopted Evergreen Development Policy Reaffirmation memorandum, on January 27, 2004, new development requesting an increase in the number of units currently allocated to individual lots shall not be recommended for approval prior to completion of the Smart Growth Study for the Evergreen area, and new appropriate densities and unit allocations have been examined. This ongoing study is anticipated to be completed in June of 2005. Therefore, staff cannot support the request to rezone the property from R-1-8 Single Family Detached Residence District to A(PD) Planned Development District to allow up to six individual single family lots, when the site is only allocated for a total of four dwelling units under the EDP Assessment District Map.

PUBLIC OUTREACH

Notices of a Draft Mitigated Negative Declaration and a public hearing were distributed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City web site. Staff has been available to discuss the project with members of the public.

Staff has not received any correspondence regarding the subject project to date.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a negative recommendation to the City Council for the subject rezoning for the following reasons:

1. The proposed project is not consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC) in that the net density would result in 10.0 dwelling units to the acre, although the project could be found to conform under the Discretionary Alternate Use Policy Two-Acre Rule since it exceeds the Residential Design Guidelines requirements.
2. The proposed project does not conform to the Evergreen Development Policy or the Evergreen Development Policy Benefit Assessment District in that the project proposes a six (6) unit project which exceeds maximum of four (4) units assigned to this site under the said policy.
3. The proposed project is not consistent with the City Council's direction to discourage new General Plan Amendments and/or rezonings which request additional residential unit allocations or density increases until the completion of the Evergreen Smart Growth Strategy.

Attachments

- City Council Resolution to Clarify and Reaffirm the Evergreen Area Development Policy.
- Evergreen Development Policy
- Mitigated Negative Declaration, circulated on October 7, 2004

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Scale: 1"=500'



File No: PDC04-016

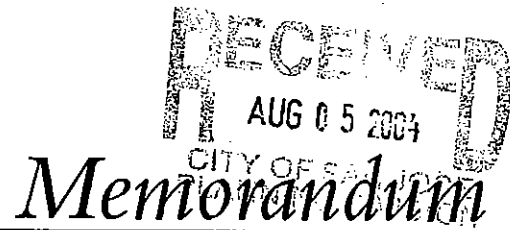
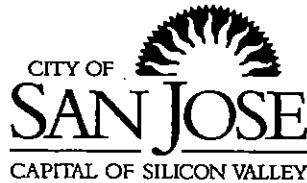
District: 5

Quad No: 69

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TO: Michael Mena
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 08/03/04

PLANNING NO.: PDC04-016
DESCRIPTION: Planned Development Rezoning from R-1-8 District to A(PD) District to allow construction of six Single Family Detached Residences on a 0.73 gross acre site
LOCATION: Between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road)
P.W. NUMBER: 3-16701

Public Works received the subject project on 03/17/04 and submits the following comments and requirements.

Project Conditions:

* This property is proposing 6 units, however, has only 4 units allocated as part of Benefit Assessment District No. 91-209SJ. The City is currently working on the Evergreen Smart Growth Strategy in an effort to guide land use and development in the Evergreen area. Per City Council's direction, the additional 2 units cannot be processed at this time and should wait until a new Evergreen Development Policy is established. However, if City Council decides to approve the subject project, the project is required to complete the Transportation mitigation listed in item number 4 below.

Public Works Clearance for Building Permit(s): Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

Public Works Approval of Parcel Map or Tract Map: Prior to the approval of the tract or parcel map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

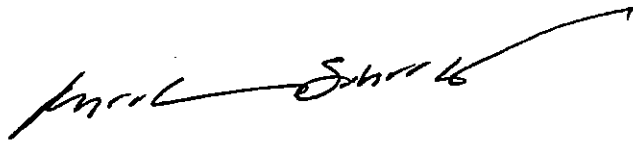
1. **Public Works Development Review Fee:** An additional Public Works Review Fee is due. Based on established complexity criteria, the project has been rated medium complexity. Prior to the project being cleared for the hearing and approval process, a sum of \$715.00 shall be paid to the Department of Public Works (Room 308).

2. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
3. **Assessments:** The proposed project is within Benefit Assessment District 91-209SJ (Aborn-Murillo), but outside of the Evergreen Specific Plan (ESP) Area. This property has traffic allocation for 3 dwelling units, and the assessment is based on the number of dwelling units allocated to the property. Payment of the assessment is due prior to final map approval or Public Works Clearance, whichever comes first. The current assessment is \$2,414.65/unit (this amount is subject to increase annually based on the inflation factor) plus a 5% administration fee (not to exceed \$1,500 per development).
4. **Transportation:** The project is required to construct the following mitigations. These mitigations have also been conditioned with other projects. If the other projects proceed with constructing these mitigations, Mount Kenya Drive Development project will be required to contribute the amount equivalent to the cost of the mitigations which is \$63,500.00 towards traffic improvement in the Evergreen area.
 - a) Capitol Expressway and Story Road. Install new pedestrian signals with the countdown feature within the crosswalks at this intersection location. This improvement would require removal of the old pedestrian signals and installation of the new countdown pedestrian signals at all four corners of the intersection.
 - b) King Road and Tully Road. Add traffic cameras at four contiguous intersection locations on Tully Road, including the intersection of King Road, including the intersection of King Road and Tully Road. This improvement would require installation of traffic cameras, video conduit, cables, and electrical work.
5. **Grading/Geology:**
 - a) A grading permit is required prior to the issuance of a Public Works Clearance.
 - b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 277-4304 for more information concerning the requirements for obtaining this permit.
 - c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
6. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
7. **Sanitary:** Submit a conceptive sanitary sewer plan at the PD permit stage.

8. **Storm:**
 - a) Indicate the overland release path in arrows. Provide overland release easement and private storm drain easement on lots fronting Mount Kenya Drive for the benefit of lots fronting Mount Pleasant Road
 - b) The release path must be paved.
 - c) On-site ponding must be less than one foot.
 - d) Finished floor elevations must be one foot higher than overland release elevation.
9. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
10. **Undergrounding:** The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Mount Pleasant Road prior to issuance of a Public Works clearance. 100 percent of the base fee in place at the time of payment will be due. (Currently, the base fee is \$224 per linear foot of frontage.)
11. **Street Improvements:**
 - a) Construct half street along Mount Pleasant Road including curb, gutter, 12' detached sidewalk and pavement section.
 - b) Remove and replace broken and uplifted curb, gutter and sidewalk along project frontage on Mount Kenya Drive.
 - c) Relocate existing power poles along Mount Pleasant project frontage.
 - d) Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - e) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
12. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project, and as such is subject to Complexity Surcharge. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
13. **Electrical:** Install electroliers on project frontages.
14. **Landscape:**
 - a) Install street trees within the public right-of-way along the entire street frontage per City standards.
 - b) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
 - c) Contact the City Arborist at (408) 277-2756 for the designated street tree.

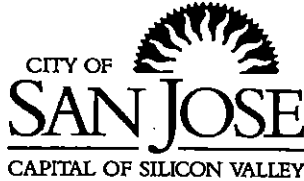
Planning and Building
8/3/2004
Subject: PDC04-016
Page 4 of 4

Please contact the Project Engineer, Gerry de Guzman, at (408) 277-5161 if you have any questions.

A handwritten signature in black ink, appearing to read "Ebrahim Sohrabi", with a long, sweeping horizontal line extending to the right.

Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

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ES:GD:av
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Memorandum

TO: Michael Mena

FROM: Gerry de Guzman
Public Works

SUBJECT: SEE BELOW

DATE: 06/15/04

Approved

Date

SUBJECT: MOUNT KENYA DRIVE RESIDENTIAL DEVELOPMENT
PW NO. 3-16701 (PDC04-016)

We have completed the review of the traffic analysis for the subject project. The project consists of 6 new detached single family residences. The proposed development is located at 1795 Mount Pleasant Road which is in the Evergreen Specific Plan area and have an allocation for four units. The proposed development is projected to add 6 a.m. peak hour trips and 6 p.m. peak hour trips.

ACCESS

Vehicular access to the site will be provided by driveway for each of the unit. Three of the units will have access on Mount Pleasant and the other three units will have access on Mount Kenya Drive.

ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using SJ91, the City of San Jose approved software for the Evergreen Development Policy, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

City of San Jose Methodology: Seven (7) signalized intersections were analyzed for the AM and PM peak commute hours using SJ91 and conforming the Evergreen Development Policy. The results indicate that under the Evergreen Development Policy criteria, two intersections will be significantly impacted by the project; Capitol Expressway & Story Road and King Road & Tully Road. The results of the analysis are summarized in the attached Table ES-1.

Project conditions: The project is required to construct the following mitigations. These mitigations have also been conditioned with other projects. If the other projects proceed with constructing these mitigations, Mount Kenya Drive Development project will be required to contribute the amount equivalent to the cost of the mitigations which is \$63,500.00 towards traffic improvement in the Evergreen area.

6/15/2004

Subject: Traffic Analysis for PDC04-016

Page 2

- a) Capitol Expressway and Story Road. Install new pedestrian signals with the countdown feature within the crosswalks at this intersection location. This improvement would require removal of the old pedestrian signals and installation of the new countdown pedestrian signals at all four corners of the intersection.
- b) King Road and Tully Road. Add traffic cameras at four contiguous intersection locations on Tully Road, including the intersection of King Road, including the intersection of King Road and Tully Road. This improvement would require installation of traffic cameras, video conduit, cables, and electrical work.

RECOMMENDATION:

The property is proposing 6 units, however, has only 4 units allocated as part of Benefit Assessment District No. 91-209SJ. The City is currently working on the Evergreen Smart Growth Strategy in an effort to guide land use and development in the Evergreen area. Per City Council's direction, the additional 2 units cannot be processed at this time and should wait until a new Evergreen Development Policy is established. However, if City Council decides to approve the subject project, the project is required to complete the above project conditions.

If you have any questions, please call me or Arlyn Villanueva at extension 5161.



Gerry de Guzman

Project Engineer

Transportation and Development Services Division

GD:av

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C: Karen Mack

Candice Lownsbery

George Constantin, DOT

Traffic Consultant

Project Impacts

Intersection Impacts

The results of the intersection level of service analysis show that the following two signalized study intersections would be significantly impacted by the project according to City of San Jose Evergreen Development Policy level of service standards (see Table ES-1):

Capitol Expressway and Story Road
King Road and Tully Road

Table ES 1
Intersection Level of Service Summary – City of San Jose Method (SJ91)

Intersection	Peak Hour	Existing		Background		Project		
		V/C	LOS	V/C	LOS	V/C	LOS	% Incr. In Crit. Vol.
Capitol Expwy & Story Road *	AM	0.885	D	0.914	E	0.915	E	0.02
	PM	1.128	F	0.989	E	0.989	E	0.00
Capitol Expwy & Ocala Road	AM	0.754	C	0.785	C	0.785	C	0.00
	PM	0.808	D	0.844	D	0.844	D	0.00
Capitol Expwy & Tully Road *	AM	0.725	C	0.801	D	0.801	D	0.03
	PM	0.793	C	0.843	D	0.843	D	0.03
King Road & Tully Road *	AM	0.565	A	0.639	B	0.640	B	0.05
	PM	0.853	D	0.919	E	0.920	E	0.03
Alvin Avenue & Tully Road	AM	0.623	B	0.653	B	0.654	B	0.04
	PM	0.750	C	0.793	C	0.794	C	0.04
White Road & Ocala Avenue	AM	0.821	D	0.888	D	0.889	D	0.05
	PM	0.757	C	0.784	C	0.785	C	0.11
White Road & Tully Road	AM	0.570	A	0.672	B	0.674	B	0.05
	PM	0.564	A	0.667	B	0.667	B	0.05

* CMP Intersection

BOLD indicates a project impact.

Mitigation Measures

Capitol Expressway and Story Road

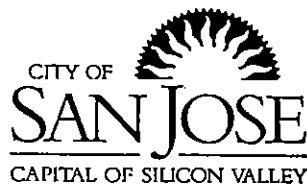
Install new pedestrian signals with the countdown feature within the crosswalks at this intersection location. This improvement would require removal of the old pedestrian signals and installation of the new countdown pedestrian signals at all four corners of the intersection.

The new pedestrian countdown signals would reduce the number of conflicts between pedestrians and vehicles and would help to improve the overall flow of traffic at this

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Memorandum

TO: Michael Mena
Planning and Building

FROM: Nadia Naum-Stoian,
Fire Prevention Engineer
San Jose Fire Department

SUBJECT: INITIAL RESPONSE TO
DEVELOPMENT APPLICATION

DATE: 03/11/04

Approved

Date

PLANNING NO.: PDC04-016
DESCRIPTION: Planned Development Rezoning from R-1-4 District to A(PD) District to allow construction of six Single Family Detached Residences on a 0.73 gross acre site
LOCATION: 1795 Mount Pleasant Road
ADDRESS: 1795 Mount Pleasant Road (1795 MT PLEASANT RD)
FOLDER #: 04 104483 ZN

The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

- These comments are based on the following information:

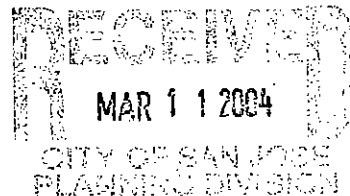
Largest building: 3,400_sq. ft.

Construction Type: VN

Occupancy Group: R-3

Number of stories: 2

- Site fire flow requirement: 2,000 G.P.M.
- Average hydrant(s) spacing: 450 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.
- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.



- **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**


1. The needed fire flow noted above shall be provided from a minimum of 2 hydrants and shall be spaced apart on average 450 feet from the proposed project. Fire flow may be reduced upon construction of a four-hour wall, without openings, as per the adopted fire code. Construction of the area separation wall(s) is subject to review by the Fire Department.
2. Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-8756.
3. All Fire Department access roads, water mains, and fire hydrants shall be installed and operational during construction in accordance with Article 87 of the Fire Code and all other applicable standards.

- **THE FOLLOWING GENERAL REQUIREMENTS ARE APPLICABLE TO THE SUBJECT APPLICATION:**

- Facilities for emergency vehicle access:
 - A. Fire lanes shall be suitably marked with standard signs, painted curbs, and/or other markers as approved or authorized for use by the Chief. Fire lane markings shall be indicated on plans submitted through the building permit process for review and approval by the Fire Department.
- Public (off-site) and private (on-site) fire hydrants shall be provided. All hydrants must meet the specifications for the City of San Jose's Fire Department. For hydrant locations please contact the San Jose Fire Department's Fire Protection Engineering Division at (408) 277-5357.
- All existing and new fire hydrants shall be at least 10 feet from all driveways.
- All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.
- All dead-end streets or roads shall have a hydrant within 175 feet from the most remote end of the rear lot as per the Uniform Fire Code.
- Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.

- We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.



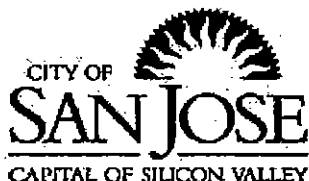
BY: Nadia Naum-Stoian, FPE
Bureau of Fire Prevention
San Jose Fire Department

Fire Site Memo to Planning Application

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Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase
Katy Allen
James R. Helmer

**SUBJECT: RESOLUTION TO CLARIFY
AND REAFFIRM THE EVERGREEN
AREA DEVELOPMENT POLICY**

DATE: January 15, 2004

COUNCIL DISTRICT: 8
SNI AREA: KONA, West Evergreen, and EastValley/680

RECOMMENDATION

It is recommended that the City Council adopt a resolution to clarify and reaffirm the *Evergreen Area Development Policy*, and direct staff to discourage all rezoning and General Plan amendments in the Evergreen area for residential uses that require additional residential unit allocations or density increases until the completion of the *Evergreen Smart Growth Strategy* scheduled for completion in June of 2005.

BACKGROUND

On December 16, 2003 (Item 12.9), the City Council directed the Departments of Planning, Building and Code Enforcement (PBCE), Public Works (PW), and Transportation (DOT) to collaboratively review the *Evergreen Area Development Policy* (EDP), and prepare a resolution, clarifying and reaffirming the EDP. This report addresses this direction.

The original *Evergreen Area Development Policy*, adopted in 1976, was based on City analyses that concluded that transportation and flood protection deficiencies signified substantial constraints to development in Evergreen, defined as land within San Jose's Urban Service Area Boundary, south of Story Road and east of U.S. Highway 101. The EDP identified specific programs and policies for correcting the service deficiencies, and established an allocation program to phase residential development based on available traffic capacity and planned traffic improvements. The Level of Service (LOS) policy for the Evergreen area required that new development not degrade the average traffic capacity of screenline intersections (gateway intersections leading into Evergreen) to less than "D." LOS "D" is when traffic backs up at a signal, but will clear when the light turns green. In the case of flood protection, development was permitted only if the 100-year flood protection was in place for each project and downstream of each project.

Subsequent revisions to the EDP in the early 1990's preserved the basic tenets of the original Policy, while providing updated information on the affected watersheds and street system improvements required to allow development of the remaining planned dwelling units.

Evergreen Area Development Policy, as Revised 1995

The *Evergreen Area Development Policy* (EDP), as revised May 9, 1995, continues to provide the framework for the build-out of the Evergreen area. Traffic Level of Service (LOS) and hundred-year flood protection continue to be the prerequisites to project approvals.

In tandem with the 1995 Policy, a Benefit Assessment District was formed, which funded over \$9.5 million of transportation improvements in the area. These improvements allowed the construction of up to 4,759 residential units. Any property participating in the Benefit Assessment District was allocated approved vehicle trips based on the parcel's planned residential dwelling unit yield. Development proposals seeking to increase the unit yield on a participating property, and thus increase the trips, were required to mitigate the impacts of the additional units based on a traffic analysis. Any proposed residential development not included in the Benefit Assessment District was required to conduct a traffic analysis, and mitigate any project impacts. As stated in Ordinance No. 24849, effective October 1998, which established the procedures and methodology for transportation analysis in the EDP area, an impact that requires mitigation is defined as:

1. An increase in traffic which causes a level of service designation to change; or
2. Other:
 - a. Residential projects: The addition of any traffic in an intersection operating at level of service E or F.
 - b. Non-residential projects: The addition of more than a one-half percent (0.5%) increase in critical traffic movement in an intersection operating at level of service E or F.

Since 1995, over 1100 units with allocation have been constructed in the Evergreen area. An additional 57 units without allocation have been approved based on project level traffic analysis and feasible mitigation to resolve traffic issues. The projects associated with these 57 units contributed close to \$1 million in traffic mitigation, resulting in improvements including the intersections of Story and Capitol Expressway, and Story and White Road.

Evergreen Smart Growth Strategy and EDP Update

On November 4, 2003, the City Council delegated approval of the funding agreement to the City Manager for the *Evergreen Smart Growth Strategy* and related documents, and authorized a full-time planning position through June 2005 to complete the *Evergreen Smart Growth Strategy*, update the EDP, and prepare related environmental documents. This comprehensive land use and transportation planning effort is the result of past and recent planning and policy efforts completed to guide land use and development in the Evergreen area. These efforts have created momentum for creating a new vision to direct infill development in Evergreen consistent with Smart Growth principles.

The *Silver Creek Planned Residential Community*, the *Evergreen Specific Plan*, and the *Evergreen Area Development Policy* have facilitated growth in Evergreen as projected in the *San Jose 2020 General Plan*. The majority of the planned development has been completed; however, recent planning efforts and land use proposals have identified both the need and the opportunity for additional development within the area. The West Evergreen, KONA, and East Valley/680 Strong Neighborhoods Initiative (SNI) Improvement Plans identify priority action items to enhance existing conditions and create new community facilities, parks, trails, and other investments in the area. The Knight Program in Community Building selected the Evergreen-Eastridge area for an intensive five-day planning exercise (commonly known as the "charrette"), the result of which is a report that builds

upon past plans, and suggests future land use development, transportation, and community facility opportunities. In addition, two major Evergreen property owners filed General Plan amendments to allow additional housing and retail development; any new housing requires an update to the EDP to accommodate additional housing growth.

As all of these activities support and promote improvements in land use development, transportation, and community facilities, the City and key Evergreen property owners have agreed to avoid piecemeal General Plan amendments and modifications of the EDP by participating in the preparation of a larger, comprehensive land use and transportation plan for the Evergreen area. This comprehensive effort is called the *Evergreen Smart Growth Strategy*, which will include an update of the *Evergreen Area Development Policy*, and preparation of related environmental documents. The *Evergreen Smart Growth Strategy* involves the community, property owners, City staff, and consultant participation. A community task force, under the leadership of Councilmember Cortese, is guiding the effort.

ANALYSIS

In light of recent interest in new development in the *Evergreen Area Development Policy* area, as well as the current planning effort, it is important for the Council to reaffirm the City's existing Policy. As part of the *Evergreen Smart Growth Strategy* effort, a new *Evergreen Area Development Policy* will be proposed in order to facilitate the Strategy's proposed land uses. To prevent piecemeal General Plan changes and EDP modifications in the meantime, residential development proposals without unit allocations or those requesting increased density should be discouraged from moving forward in order to allow the community, the City, and the property owners the opportunity to identify the land use changes that will reflect the community-based vision to guide future development in Evergreen. Towards that end, staff will endeavor to educate persons who submit development proposals in this area regarding the desires of the City and the general Evergreen community to complete the *Evergreen Smart Growth Strategy* by June of 2005. Staff understands that while the *Evergreen Smart Growth Strategy* is underway it shall process development proposals that are submitted prior to June, 2005 in the Evergreen Area.

COORDINATION

The preparation of this memorandum and the resolution was coordinated with the City Attorney's Office, Department of Planning, Building and Code Enforcement, Department of Public Works, and Department of Transportation.

OUTREACH

The *Evergreen Smart Growth Strategy* process involves extensive participation through open community task force meetings, broad community meetings at key points in the process, and ultimately public hearings before the Planning, Commission, other relevant City Commissions, and the City Council.

A notice of the public hearing for the subject resolution was published in the Post Record. Property owners with land use applications on file that do not have the needed traffic allocation, were

contacted by phone regarding this report and resolution.

CEQA

EIR Resolution No. 63179, PP04-01-013

STEPHEN M. HAASE, DIRECTOR
Planning, Building and Code Enforcement

KATY ALLEN
DIRECTOR of Public Works

JAMES R. HELMER
DIRECTOR of Transportation

Evergreen Development Policy

Approved by the City Council of San José

July 2, 1991

Revised April 27, 1993

Revised November 29, 1994

Revised May 9, 1995

Prepared by the City of San José

**Department of Planning, Building and
Code Enforcement
and
Department of Public Works**

Background

The original 1976 *Evergreen Development Policy* (EDP) was adopted in August of 1976 to address the issues of flood protection and traffic capacity in the Evergreen. The EDP was based on City analyses done in 1974 and 1975 which concluded that transportation and flood protection deficiencies constituted substantial constraints to development in Evergreen. The 1976 EDP established the policy framework for dealing with the buildout of Evergreen and identified specific programs for correcting the service deficiencies.

Since 1975, growth in the Evergreen area has been controlled by the availability of urban services, particularly the capacities of the transportation and flood control systems. The 1976 *Evergreen Development Policy* has ensured that the total number of existing dwelling units, plus those which have zoning, tentative map, or site development approval, would be regulated to maintain an average Level of Service "D" capacity for the screenline intersections bounding the area.

Flood Protection

The 1976 *Evergreen Development Policy* established protection from the 100-year flood as the standard condition for development approval. It identified Thompson-Silver Creek as the major drainage facility for most of Evergreen and was able to specify a schedule and source of funding for some but not all of the Thompson-Silver Creek improvements. All of the tributary watersheds with the exception of Norwood Creek, were also in need of full improvements.

Over the years, development was allowed to proceed only if the 100-year flood protection was in place for each project and downstream of each project. As a result of developer contributions, the flood control system is substantially complete. The exceptions are the upstream portions of the Quimby and Fowler Creek watersheds where development has not yet occurred. Policies for achieving those improvements as related development occurs, however, are now firmly established and routine. Continuation of the present system will result in full 100-year flood protection for Evergreen.

Transportation Capacity

The 1976 *Evergreen Development Policy* identified each of the street improvements required to complete the planned system, partial funding sources, a tentative construction schedule and the number of dwelling units that each phase of the street work could accommodate. The 1976 EDP policies applied to screenline traffic conditions and perimeter intersections, only, for traffic entering or departing the Evergreen area. Traffic impacts internal to the Evergreen area have been addressed on a project by project basis during the environmental review and zoning process, at which time impacts and required mitigation measures, if any, were identified.

Development Policies

A. Flood Protection Policies

Any development within the *Evergreen Development Policy Area* is subject to the following flood protection requirements:

1. Development will be allowed only if it is protected from the 100-year flood.
2. Development will be allowed only if it would not divert flood or overland flows onto or cause flooding on other properties.
3. Flood control improvements required within the *Evergreen Development Policy Area* have been completed with the exception of the Quimby and Fowler Creek watersheds. Development within these watersheds must be consistent with Policies 1 and 2.

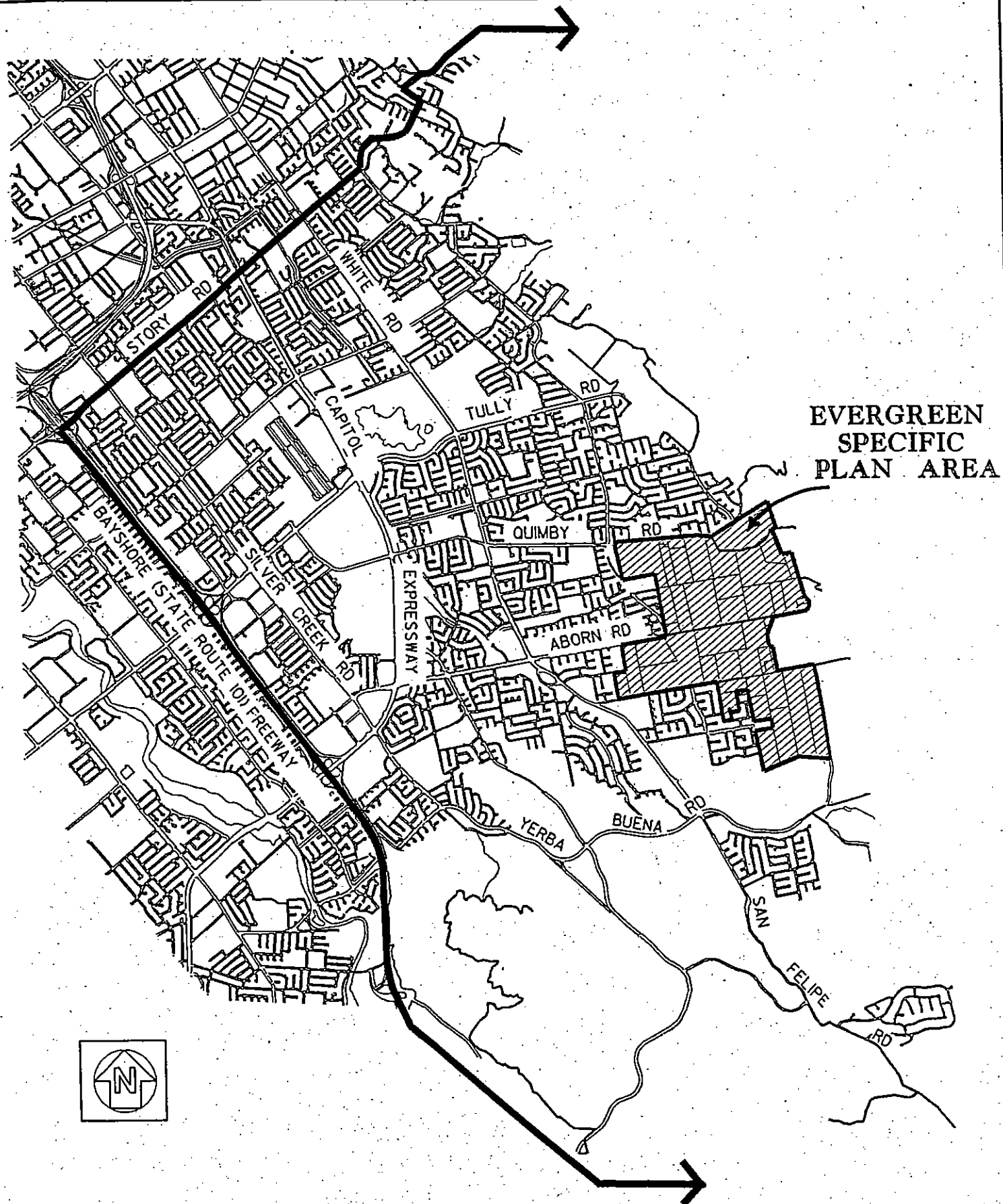
B. Transportation Capacity Policies

Development shall be allowed in the *Evergreen Development Policy Area* only if adequate transportation facilities are provided to maintain existing plus approved Level of Service throughout the area.

1. Residential development potential within the *Evergreen Development Policy Area* is 4,620 based on the San José 2020 General Plan as approved in December of 1994. The traffic capacity improvements identified in Items #2 and #3 of this Policy will accommodate this potential.
2. The regional mitigation measures for roadway and intersection improvements included in the City of San José Engineer's Report for the Benefit Assessment District No. 91-209S, which report is on file with the City Clerk and is incorporated herein by reference, are required to accommodate the buildout of the EDP Area.
3. Local mitigation measures, such as those improvements included in the City of San José Engineer's Report for the Benefit Assessment District No. 91-209S, have also been identified as necessary to accommodate the buildout of the EDP Area.
4. Occupancy of any of the 4,620 units, except those listed in numbers 6 and 7, cannot precede the completion of all necessary regional improvements as identified in Item #2 of this Policy by more than one year. Local improvements will be phased as required by the traffic analysis for individual development proposals.
5. Occupancy of 1840 residential units, in addition to the 140 units with traffic capacity approved under the previous allocation system, within the Evergreen Specific Plan Area, may precede the completion of all necessary regional improvements identified in Item #2 of this Policy provided that the widening of Capitol Expressway from U.S. Highway 101 to Quimby Road, Capitol Avenue intersection improvements, a northbound auxiliary lane on U.S. Highway 101, widening of Quimby Road and widening of Aborn Road are within one year of completion.

6. Occupancy of small projects, defined as those consisting of 15 units or less to a maximum of 100 units on sites which are being fully developed and are not part of a larger parcel or area of single ownership, may precede the completion of all necessary regional improvements identified in Item #2 provided that the widening of Capitol Expressway from U.S. Highway 101 to Quimby Road, Capitol Avenue intersection improvements, a northbound auxiliary lane on U.S. Highway 101, widening of Quimby Road and widening of Aborn Road are within one year of completion.
7. The City of San José may approve additional detailed staging programs which allow the further incremental buildout of the EDP Area based on the completion of specific regional improvements as identified in Item #2 of this Policy, provided that the staged buildout does not exceed the additional capacity created by the staged improvements. If the City approves an additional staging program, detailed phasing programs could continue to maintain an average Level of Service "D" capacity, as an interim measure, for the affected EDP screenline intersections provided that the completion of the final phase of transportation improvements maintain the existing plus approved Level of Service (LOS) throughout the EDP Area.
8. The methodology and procedures for traffic analysis shall be as adopted by the City Council in Ordinance _____ for the Evergreen Development Policy Area.

EDPCHGRV.POL.CAP:PL/HD (5-8-95)



THE GREATER EVERGREEN AREA
(SOUTH OF STORY ROAD AND EAST OF U.S. 101)

ORDINANCE NO 24899

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN JOSE ESTABLISHING THE PROCEDURES AND
METHODOLOGY FOR TRANSPORTATION ANALYSIS IN
THE EVERGREEN DEVELOPMENT POLICY AREA**

WHEREAS, San Jose's General Plan provides that capital and facility needs generated by new development should be financed by new development; and

WHEREAS, the General Plan allows for the adoption of Area Development Policies to establish specific level of service standards for specific geographic areas which determines development impacts and mitigations; and

WHEREAS, the Evergreen Specific Plan was developed and adopted to deal with the extraordinary transportation improvements needed to serve the Evergreen area; and

WHEREAS, in conjunction with the adoption of the Evergreen Specific Plan, the City Council adopted the Evergreen Development Policy; and

WHEREAS, Benefit Assessment District No. 91-209SJ (Aborn-Murillo) is being formed to fund and construct over 9.5 million dollars of transportation improvements which will allow 4759 residential units to be constructed; and

WHEREAS, specific properties are being assessed for each of these units; and

WHEREAS, the City Council desires to insure that the traffic analysis process insures that properties that are assessed for the transportation improvements are able to benefit from the improvements; and

WHEREAS, the City Council determines that it is necessary to establish the methodology and procedures for traffic analysis in the Evergreen Development Policy Area.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The Level of Service analysis of transportation capacity within the Evergreen Development Policy Area, as defined in Section 2 of this Ordinance, shall be subject to the following methodology and procedures:

- A. The trips generated from the 4759 dwelling units identified on a parcel by parcel basis in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be presumed to be approved trips whether or not there is an approved zoning or permit(s) on the parcel. These approved trips shall be for the exclusive use of properties participating in the District. This presumption is for the purpose of transportation analysis only and does not represent a right to development any units on the site.
- B. The transportation improvements identified in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be treated as programmed improvements for analytical purposes.
- C. Use of the approved trips by individual properties participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be "allocated" based on the residential dwelling unit yield, set forth in the Engineer's Report for the District, for that particular parcel. Any development proposal which seeks to increase the residential dwelling unit yield on a participating property shall mitigate the impacts of those additional units based on a traffic analysis which adds those additional units to the approved trips for the Evergreen Development Policy Area.

JRG:TR
6/27/95

- D. Any residential development proposals for properties not participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- E. Any non-residential proposals shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- F. All projects in the Evergreen Development Policy Area, subject to a planning permit, shall prepare a traffic analysis.
- G. If planning permits are issued which result in less than the number of trips assumed generated from the development of the property, those trips shall no longer be presumed to be approved trips for the purpose of traffic analysis.
- H. An "impact" requiring mitigation, for the purposes of an Evergreen Development Policy Area traffic analysis, shall be:
1. An increase in traffic which causes a Level of Service designation to change; or
 2. The addition of any traffic to an intersection operating at Level of Service E. or F.

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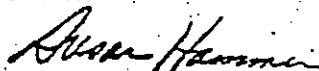
SECTION 2. The "Evergreen Development Policy Area" is defined as all properties within San Jose's Urban Service Area Boundary, south of Story Road and east of Highway 101.

PASSED FOR PUBLICATION OF TITLE this 9th day of May, 1995, by the following vote:

AYES: DANDO, DIAZ, DIQUISTO, FERNANDES, FISCALINI, JOHNSON,
PANDORI, POWERS, SHIRAKAWA, WOODY; HAMMER

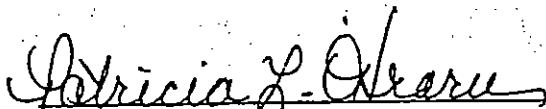
NOES: NONE

ABSENT: NONE



SUSAN HAMMER, Mayor

ATTEST:



PATRICIA L. O'HEARN, City Clerk

ORDINANCE NO. 25658

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN JOSE ESTABLISHING THE PROCEDURES AND
METHODOLOGY FOR TRANSPORTATION ANALYSIS IN
THE EVERGREEN DEVELOPMENT POLICY AREA**

WHEREAS, San Jose's General Plan provides that capital and facility needs generated by new development should be financed by new development; and

WHEREAS, the General Plan allows for the adoption of Area Development Policies to establish specific level of service standards for specific geographic areas which determines development impacts and mitigations; and

WHEREAS, the Evergreen Specific Plan was developed and adopted to deal with the extraordinary transportation improvements needed to serve the Evergreen area; and

WHEREAS, in conjunction with the adoption of the Evergreen Specific Plan, the City Council adopted the Evergreen Development Policy; and

WHEREAS, Benefit Assessment District No. 91-209SJ (Aborn-Murillo) was formed to fund and construct over 9.5 million dollars of transportation improvements which will allow 4759 residential units to be constructed; and

WHEREAS, specific properties are being assessed for each of these units; and

WHEREAS, the City Council desires to insure that the traffic analysis process insures that properties that are assessed for the transportation improvements are able to benefit from the improvements; and

JRG:TR
9/1/98

(corrected)

WHEREAS, the City Council determines that it is necessary to modify the established methodology and procedures for traffic analysis in the Evergreen Development Policy Area; and

WHEREAS, this Ordinance was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act (CEQA) as amended and found complete by the Planning Commission on July 2, 1991.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The Level of Service analysis of transportation capacity within the Evergreen Development Policy Area, as defined in Section 2 of this Ordinance, shall be subject to the following methodology and procedures:

- A. The trips generated from the 4759 dwelling units identified on a parcel by parcel basis in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be presumed to be approved trips whether or not there is an approved zoning or permit(s) on the parcel. These approved trips shall be for the exclusive use of properties participating in the District. This presumption is for the purpose of transportation analysis only and does not represent a right to development any units on the site.
- B. The transportation improvements identified in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be treated as programmed improvements for analytical purposes.
- C. Use of the approved trips by individual properties participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be "allocated" based on the residential dwelling unit yield, set forth in the Engineer's Report for the District, for that particular

JRG:TR
9/1/98

(corrected)

parcel. Any development proposal which seeks to increase the residential dwelling unit yield on a participating property shall mitigate the impacts of those additional units based on a traffic analysis which adds those additional units to the approved trips for the Evergreen Development Policy Area.

- D. Any residential development proposals for properties not participating in Benefit Assessment District No. 91-209SJ (Aborn-Murillo) shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- E. Any non-residential proposals shall be responsible for mitigating any impacts created by the proposal based on a traffic analysis which adds the trips generated by the proposal to the approved trips for the Evergreen Development Policy Area.
- F. All projects in the Evergreen Development Policy Area, subject to a planning permit, shall prepare a traffic analysis.
- G. If planning permits are issued which result in less than the number of trips assumed generated from the development of the property, those trips shall no longer be presumed to be approved trips for the purpose of traffic analysis.
- H. An "impact" requiring mitigation, for the purposes of an Evergreen Development Policy Area traffic analysis, shall be:
 - 1. An increase in traffic which causes a Level of Service designation to change; or
 - 2.
 - a. Residential projects: The addition of any traffic in an intersection operating at level of service E or F.

JRG:TR
9/1/98

(corrected)

- b. Non-residential projects: The addition of more than a one-half percent (1/2 %) increase in critical traffic movement in an intersection operating at Level of Service E or F.

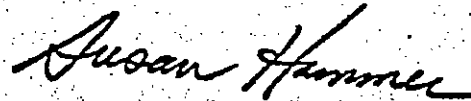
SECTION 2. The "Evergreen Development Policy Area" is defined as all properties south of Story Road and east of Highway 101, excepting those properties south of the intersection of Highway 101 and Hellyer Avenue that are within San Jose's Urban Service Area Boundary as it existed on August 1, 1998.

PASSED FOR PUBLICATION OF TITLE this 18th day of August, 1998, by the following vote:

AYES: DANDO, DIAZ, DIQUISTO, FERNANDES, FISCALINI, JOHNSON,
PANDORI, POWERS, SHIRAKAWA, WOODY; HAMMER

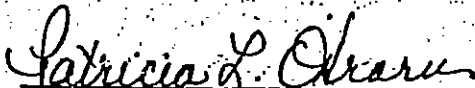
NOES: NONE

ABSENT: NONE



SUSAN HAMMER, Mayor

ATTEST:



PATRICIA L. O'HEARN, City Clerk

CITY OF SAN JOSE MEMORANDUM

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: James R. Derryberry

SUBJECT: EVERGREEN DEVELOPMENT
POLICY ORDINANCE--MINOR
MODIFICATION

DATE: July 30, 1998

APPROVED: Barry D. Derryberry

DATE: 7-31/98

Council District: 8

RECOMMENDATION

Staff recommends that a minor adjustment be made to the Evergreen Development Policy Ordinance to refine the traffic analysis methodology contained in the Ordinance in order to facilitate small scale non-residential development.

BACKGROUND

The original Evergreen Development Policy (EDP) was adopted in 1976 to address flood protection and traffic capacity issues in Evergreen. Development in Evergreen has been controlled by the availability of urban services since 1976 and the policy has ensured that development has been regulated to maintain average Level of Service "D" for transportation facilities in the area. In 1995, the EDP was revised to identify the street system improvements required to allow the 4,620 planned and potential dwelling units identified in the San Jose 2020 General Plan to proceed. An Ordinance (No. 18319) was also prepared to establish a methodology and procedures for the traffic analysis which would be required to demonstrate available capacity for dwelling units or non-residential development not already approved and accounted for.

TRAFFIC ANALYSIS METHODOLOGY

The EDP Ordinance establishes that all residential projects not participating in the Evergreen and Silver Creek Assessment Districts, and any non-residential proposals, shall be responsible for mitigating any traffic impacts they create. These projects must prepare a traffic analysis to identify the traffic impacts, currently defined as 1) an increase in traffic which causes a Level of Service designation to change; or 2) the addition of ANY traffic to an intersection operating a Level of Service E or F. At the time the EDP Ordinance was approved, there had not been detailed analysis about the potential traffic impacts for small scale, non-residential development, and the conservative approach of defining "any" traffic, that is one trip, through an LOS E or F intersection was adopted. Staff in the Public Works Department has since performed additional transportation analysis in Evergreen to focus on the potential to facilitate some amount of non-residential development in Evergreen to serve area residents. The studies have concluded that

HONORABLE MAYOR AND CITY COUNCIL
RE: EDP ORDINANCE
July 30, 1998
Page 2 of 2

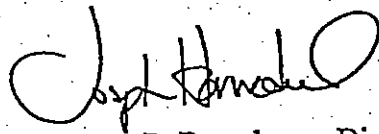
less than one-half percent increase in traffic from non-residential development at these intersections has an insignificant impact.

Long-term analysis using the City's TRANPLAN computer model has shown a substantial benefit from the development of the non-residential properties in Evergreen by promoting the "internalization" of traffic in the area. However, under the existing EDP Ordinance, no non-residential development is permitted that would have an impact of even one trip on facilities with LOS E or F. Therefore, most Evergreen residents must currently leave the area to find other essential services adding to the prevailing peak direction traffic.

The recent focused study by Public Works identifies a minimal overall impact from allowing a small increment of additional traffic from aggregated non-residential development on LOS E and LOS F intersections. Therefore, revisions to the Ordinance methodology to allow up to one-half percent increase in the critical movement on LOS E and LOS F intersections would not undermine the intent of the Evergreen Development Policy. Impacts of one-half percent or greater, or any impact that reduces the Level of Service designation, would still require mitigation by the project.

CONCLUSION

This memorandum has been coordinated with the City Attorney's Office and the Department of Public Works.


James R. Derryberry, Director
Planning, Building and Code Enforcement



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Mount Pleasant Development

PROJECT FILE NUMBER: PDC04-016

PROJECT DESCRIPTION: Planned Development Rezoning from R-1-8 Single-Family Residence District to A(PD) Planned Development District to allow the subdivision of one lot to six (6) single-family detached residences on a 0.73 gross acre site,

PROJECT LOCATION & ASSESSORS PARCEL NO.: Between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road); (APN 647-24-044).

COUNCIL DISTRICT: 5

NAME OF APPLICANT: Kurt B. Anderson, AIA

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

1221 Saratoga-Sunnyvale Road, Suite D, Saratoga CA 95070; (408) 446-1269

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

AIR QUALITY:

1. The following construction practices shall be implemented during all phases of construction for the proposed project.
 - Water all active construction areas at least twice daily or as often as needed to control dust emissions.
 - Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
 - Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
 - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
 - Limit traffic speeds on unpaved roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL:

2. All non-orchard trees that are to be removed shall be replaced at the following ratios:
 - Each tree less than 12" in diameter to be removed = one 15 gallon tree
 - Each tree 12" to 18" diameter to be removed = two 24" box trees
 - Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees
3. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:
 - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the City's Environmental Principal Planner.
 - A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

4. The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:
- Pre-construction treatments
 - 1) The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
 - 2) Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
 - 3) Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
 - During construction
 - 1) No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
 - 2) Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
 - 3) Supplemental irrigation shall be applied as determined by the consulting arborist.
 - 4) If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
 - 5) No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
 - 6) Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
 - 7) As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

HYDROLOGY/WATER QUALITY:

5. The project shall include the below mitigation:
- During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
 - During construction, earthmoving or other dust producing activities would be suspended during periods of high winds.
 - During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
 - During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
 - During construction, all trucks hauling soil, sand and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.

- All paved access roads, parking and staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.
- The proposed project shall implement post construction
- At the Planned Development Permit stage the project shall be designed to incorporate post construction measures to reduce the amount of impervious surface by using pervious pavement(s), disconnected downspouts, bioswales, and the like.
- Prior to obtaining building permits the project developer will be required to close all water wells and remove all septic tank systems on the site, in compliance with the destruction standards of the Santa Clara Valley Water District, to the satisfaction of the Director of Public Works.

NOISE:

6. Temporary Construction: The following measures have been included to reduce potential construction related noise impacts.
 - Construction activities will be limited to the period between 7:00 AM and 7:00 PM Monday through Friday for any activity, on or off-site, within 500 feet of residential uses.
 - The contractor will be required to use "new technology" power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

TRANSPORTATION/TRAFFIC:

7. The project is required to construct the following mitigations. These mitigations have also been conditioned with other projects. If the other projects proceed with constructing these mitigations, the subject project will be required to contribute the amount equivalent to the cost of the mitigations which is \$63,500.00 towards traffic improvements in the Evergreen Area.
 - Capitol Expressway and Story Road. Install new pedestrian signals with the countdown feature within the crosswalks at this intersection location. This improvement would require removal of the old pedestrian signals and installation of the new countdown pedestrian signals at all four corners of the intersection.
 - King Road and Tully Road. Add traffic cameras at four contiguous intersection locations on Tully Road, including the intersection of King Road and Tully Road. This improvement will require installation of traffic cameras, video conduit, cables and electrical work.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 27, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the

Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: October 8, 2004



Deputy

Adopted on: _____

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INITIAL STUDY

PROJECT FILE NO.: PDC 04-016

PROJECT DESCRIPTION: Planned Development Rezoning from R-1-8 Single-Family Residence District to A(PD) Planned Development District to allow the subdivision of one lot to six single-family detached residences on a 0.73 gross acre site.

PROJECT LOCATION: Between Mount Pleasant Road and Mount Kenya Drive, approximately 250 feet northerly of Marten Avenue (1795 Mount Pleasant Road).

GENERAL PLAN DESIGNATION: Medium Low Density Residential (8 du/ac) **ZONING:** R-1-8

SURROUNDING LAND USES:

North: Single-Family Residence

South: Single-Family Residence

East: Single-Family Residence

West: Single-Family Residence

PROJECT APPLICANT'S NAME AND ADDRESS:

Kurt Anderson
for Robbins, Norman C
778 North First Street, #200
San Jose, CA 95112

DETERMINATION

On the basis of this initial study:

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are included in the project, and further analysis is not required.

~~June 24, 2004~~

Date

Signature

Name of Preparer: Mike Mena
Phone No.: (408) 277-4576

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The proposed project would allow a six (6) lot single-family detached development consistent with the surrounding single-family detached neighborhood. The proposed rezoning would not result in a development, which would substantially effect scenic vistas, historic resources and/or heritage trees nor create substantial light and glare from what currently exists in the immediate area.

MITIGATION MEASURES: No mitigation is required.

II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3

FINDINGS: The subject site is currently zoned R-1-8 Single Family Residence District. The surrounding area is currently built-out as a residential subdivision. The project site is not located in an area identified as prime farmland. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

MITIGATION MEASURES: No mitigation is required.

III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,13
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,13
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,13
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,13

FINDINGS: The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance,

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projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will only generate approximately 30 vehicle trips per day, no air quality study was prepared for this project.

Temporary Air Quality impacts may result from demolition of the existing structure(s) and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

MITIGATION MEASURES:

The following construction practices shall be implemented during all phases of construction for the proposed project.

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
- Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,9
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,10
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

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FINDINGS: The City of San José has established regulations for removal of landscape trees. The proposed project will obtain a permit for the removal of ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance. There are currently eleven (11) trees on the site ranging from 6 inches to 17 inches in circumference. Of the eleven (11) trees, eight (8) are proposed to be removed as a result of the subject project.

MITIGATION MEASURES:

All non-orchard trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the City's Environmental Principal Planner.
- A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Planning Project Manager prior to issuance of a development permit.

The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:

- Pre-construction treatments
 1. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
 2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
 3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.
- During construction
 1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
 2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
 3. Supplemental irrigation shall be applied as determined by the consulting arborist.
 4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.

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5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

IV. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6, 26
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7

FINDINGS: A historic report, dated September 10, 2004, was prepared for the subject site. The report indicated that the structure(s) at 1795 Mount Pleasant Road was constructed circa 1912. The proposed project includes the demolition of the existing home and associated buildings to make way for a future development. The subject house is not listed on the National Register or the California Register, and does not appear to be eligible for listing in either of these registers. The house and its associated structures received a point score of 23.66 on the City of San Jose's Historic Resource Evaluation. This score identifies the home as a non-significant structure. Therefore, it was concluded that the proposed demolition of this building would have no impact on cultural resources.

The project site is not located in an area designated as archeologically Sensitive. As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MITIGATION MEASURES: No mitigation is required.

V. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,23

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,23
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,4,23

FINDINGS: The site is not located within a Geologic Hazard Zone. However, the project site is located within the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 1997 Uniform Building Code for Seismic Zone 4. As the project includes these required measures, the potential for seismic impacts will be less than significant.

MITIGATION MEASURES: *none required*

VI. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 25
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,11, 25
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: A Phase I Soils Report was conducted for the subject development. The report concluded that, based on site reconnaissance and database review the development would not expose future residence to contaminated soils or hazardous materials.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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Development of the proposed project will require the demolition of two (2) structures on the site, which may contain asbestos building materials and/or lead-based paint. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.

All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint.

MITIGATION MEASURES: No mitigation required.

VII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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FINDINGS: The proposed project is 0.73 acres in size. The site is currently covered with minimal impervious surfaces consisting mostly of the footprint of the existing structures on site (approximately 4,000 square feet). The proposed project for six (6) single family detached units would increase the amount of impervious surface consisting of the new residential footprints and driveway and patio areas. The project will be designed to incorporate post construction measures to reduce the amount of impervious surface by using pervious pavement(s), disconnected downspouts, bioswales, and the like.

The project could result in temporary water quality impacts during construction activity and from the increase of impervious surfaces resulting from the proposed development. The required mitigation listed below would reduce these potential impacts to a less than significant level.

The project site does contain an existing domestic water well(s) and septic system on site. The subject project will require that the any existing wells and/or septic systems are removed/closed in conformance with applicable agency permits. The project developer will be required to close all water wells and remove all septic tank systems on the site, in compliance with the destruction standards of the Santa Clara Valley Water District, to the satisfaction of the Director of Public Works.

Storm Water Management. The project shall conform with the City of San Jose National Pollutant Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in the *Blueprint for a Clean Bay* to control the discharge of storm water pollutants including sediments associated with construction activities.

MITIGATION MEASURES:

- During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- During construction, earthmoving or other dust producing activities would be suspended during periods of high winds.
- During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- During construction, all trucks hauling soil, sand and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking and staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.
- The proposed project shall implement post construction
- At the Planned Development Permit stage the project shall be designed to incorporate post construction measures to reduce the amount of impervious surface by using pervious pavement(s), disconnected downspouts, bioswales, and the like.
- Prior to obtaining building permits the project developer will be required to close all water wells and remove all septic tank systems on the site, in compliance with the destruction standards of the Santa Clara Valley Water District, to the satisfaction of the Director of Public Works.

VIII. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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FINDINGS: The proposed development is located within the Evergreen Development Policy Area. The Evergreen Development Policy Benefit Assessment District Map indicates the property has existing allocation for three (3) additional units beyond the existing single-family residence on the site. Therefore, the proposed six (6) unit project exceeds maximum of four (4) units permitted under the Evergreen Development Policy.

The Evergreen Development Policy addresses and sets limits on growth (total number of dwelling units) within this specific area so that the level of service of the area remains at an acceptable level. The Evergreen Development Policy together with the Evergreen Specific Plan identifies the means to create sufficient traffic capacity and guide the build out of vacant parcels within the Policy area. The funding to provide the needed infrastructure, which supports the established set number of dwelling units within the Policy area, was paid for by existing landowners/developers through an assessment district. Properties that did not pay into the assessment district were restricted from increasing the density of their properties without requiring the preparation of a Traffic Report and implementing the appropriate traffic mitigation to maintain an average level of service "D".

As discussed in later sections of this report, a traffic study was prepared for the herein project that concluded that there is mitigation available which would reduce traffic impacts to a less than significant level and maintain the City's level of service standards for this unique policy area. Therefore, with traffic mitigation incorporated into the project to maintain an average level of service "D" the project would be consistent with the Evergreen Development Policy.

The proposed project will not physically divide an established community. The proposed project complies with setbacks required by the City of San José Residential Design Guidelines in order to avoid possible impacts to surrounding land uses.

MITIGATION MEASURES: No mitigation is required.

IX. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22

FINDINGS: The project site is within a developed urban area. The project would not result in a significant impact from the loss of availability of a known mineral resource.

MITIGATION MEASURES: No mitigation is required.

X. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,12,17
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The proposed use is consistent with the surrounding single-family residential neighborhood and is not expected to increase noise levels above existing conditions. However, during construction of the site there is expected to result in exposing persons to a temporary increase in the generation of noise levels in excess of standards established in the City's local General Plan. The mitigation measures required below would reduce noise impacts associated with construction activities to a less than significant level.

The project site is not located within an airport land use plan nor in the vicinity of a private airstrip.

MITIGATION MEASURES:

Temporary Construction: The following measures have been included to reduce potential construction related noise impacts.

1. Construction activities will be limited to the period between 7:00 AM and 7:00 PM Monday through Friday for any activity, on or off-site, within 500 feet of residential uses.
2. The contractor will be required to use "new technology" power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

XI. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The project involves the development of an underutilized property, which is currently developed with one single-family detached home, with up to six single-family detached housing units at a density consistent with the General Plan designation for the site.

MITIGATION MEASURES: No mitigation is required.

XII. PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

FINDINGS: The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. No additional Fire or Police personnel or equipment are necessary to serve the proposed project. This project will be required to pay the applicable development impact fees to offset its effect on public services.

MITIGATION MEASURES: No mitigation is required.

XIII. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

The proposed project would increase the number of residents on the site. Although the project would add to the residential population using nearby recreational facilities, it is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated. This project will pay park impact fees consistent with the PIO to offset its incremental impacts.

MITIGATION MEASURES: No mitigation is required.

XIV. TRANSPORTATION / TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,18,24
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,18,24
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18,24
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,18,24

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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FINDINGS: The project proposes to build 6 dwelling units. This is not consistent with the unit allocation listed in Benefit Assessment District number 91-209SJ for the subject site. The allocation for this property is 3 dwelling units in addition to the 1 existing dwelling unit on the site for a total of 4 dwelling units. The applicant is proposing to increase the number of units on site by 2, for a total of 6 units.

A traffic report for the proposed project was reviewed by the Department of Public Works and subsequently issued a memorandum dated June 15, 2004, which indicated that the below mitigation would bring the project into conformance with the Evergreen Development Policy.

MITIGATION MEASURES:

The project is required to construct the following mitigations. These mitigations have also been conditioned with other projects. If the other projects proceed with constructing these mitigations, the subject project will be required to contribute the amount equivalent to the cost of the mitigations which is \$63,500.00 towards traffic improvements in the Evergreen Area.

- Capitol Expressway and Story Road. Install new pedestrian signals with the countdown feature within the crosswalks at this intersection location. This improvement would require removal of the old pedestrian signals and installation of the new countdown pedestrian signals at all four corners of the intersection.
- King Road and Tully Road. Add traffic cameras at four contiguous intersection locations on Tully Road, including the intersection of King Road and Tully Road. This improvement will require installation of traffic cameras, video conduit, cables and electrical work.

XV. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20

FINDINGS: The proposed project will not exceed wastewater treatment requirements, require construction of new water or wastewater facilities or result in construction of new stormwater facilities. The project will be served by existing solid waste facilities and will be in compliance with all applicable federal, state and local regulations related to solid waste. The proposed project shall conform to Chapter 15.2 of the San Jose Municipal Code, Water Pollution Control Plan

MITIGATION MEASURES: No mitigation required

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XVI. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The area of development is currently developed with single-family dwellings. The proposed project will not have a significant effect in terms of the mandatory findings of significance in that the subject site does not contain any fish, wildlife, and endangered species or habitat. It does not contain significant historic resources. Identified environmental impacts can be reduced to a less than significant impact level with mitigation

MITIGATION MEASURES: See above mitigation measures.

CHECKLIST REFERENCES

- San Jose 2020 General Plan
- USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
- USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
- State of California's Geo-Hazard maps / Alquist Priolo Fault maps
- Riparian Corridor Policy Study 1994
- San Jose Historic Resources Inventory
- City of San Jose Archeological Sensitivity Maps
- FEMA Flood Insurance Rate Map, Santa Clara County, 1986
- California Department of Fish & Game, California Natural Diversity Database, 2001
- City of San Jose Heritage Tree Survey Report
- California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
- City of San Jose Noise Exposure Map for the 2020 General Plan
- BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
- San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
- Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
- Santa Clara Valley Water District
- City of San Jose Title 20 Zoning Ordinance

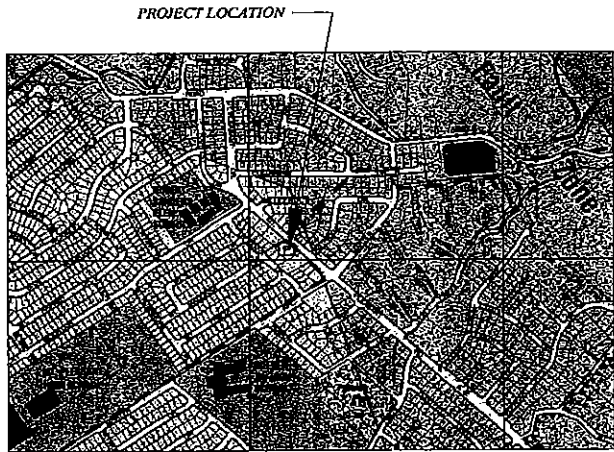
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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18. San Jose Department of Public Works
19. San Jose Fire Department
20. San Jose Environmental Services Department
21. San Jose Water Company, Great Oaks Water Company
22. California Division of Mines and Geology
23. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
24. Mt. Kenya Residential Development Draft Transportation Impact Analysis by Hexagon Transportation Consultants Inc., dated April 13, 2004
25. Phase I Preliminary Environmental Site Assessment by Light, Air and Space Construction, dated August 11, 2004
26. Historic Evaluation of the Structures at 1795 Mount Pleasant Road in the City of San Jose by Archaeological Resource Management, dated January 6, 2003

NEW SINGLE FAMILY HOMES
MOUNT PLEASANT ROAD, SAN JOSE, CALIFORNIA



VICINITY MAP



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Client:

Calandev, LLC
226 Airport Parkway
Suite 530
San Jose, CA 95110

Project:

Mt. Pleasant

Mt. Pleasant Rd.
San Jose, CA

Stamp:

Client Revisions		
No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

City Revisions		
No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		

Date: 10/26/04

Scale: N.T.S.

Drawn By: ML

Checked By: KA

Sheet Title:

Cover Sheet

Sheet No.:

A-0

File: Job: Mt. Pleasant

SHEET INDEX

- A-0 COVER SHEET CONCEPT
C-2 LAND USE PLAN GENERAL DEVELOPMENT "EXHIBIT C" CONCEPT
A-3 CONCEPTUAL SITE PLAN
C-4 GRADING & DRAINAGE PLAN CONCEPT

UNIT 1 THRU 6

- A-5 CONCEPTUAL 1ST FLOOR PLANS
A-5J CONCEPTUAL 1ST & 2ND FLOOR PLAN & ELEVATIONS
A-52 CONCEPTUAL ROOF PLAN

CONSULTANTS

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SAN JOSE, CA 95112
TEL (408) 291-3100
FAX (408) 291-3116

PROJECT DATA

APN: 641-24-044
PROPOSED ZONING: A (PD)

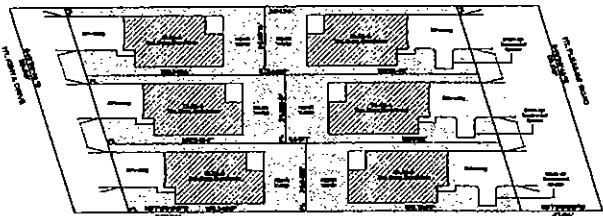
PLANNED DEVELOPMENT: REZONING FILE NO. PDC 1/2 1/2 1/2 1/2
ORDINANCE NO.

GENERAL PLAN: MEDIUM-LOW DENSITY RESIDENTIAL (80 DU / AC)
TYPE OF OCCUPANCY: R-12 / U-1
TYPE OF CONST: V-N
EXISTING USE: 2 EXIST. STRUCTURES

PROPOSED USE: 6 SINGLE FAMILY DETACHED RESIDENCE

LOT SIZE: 26,044.4 SF.
LOT COVERAGE: 54.5%
LANDSCAPE COVERAGE: 35.5%
PAVEMENT COVERAGE: 10%

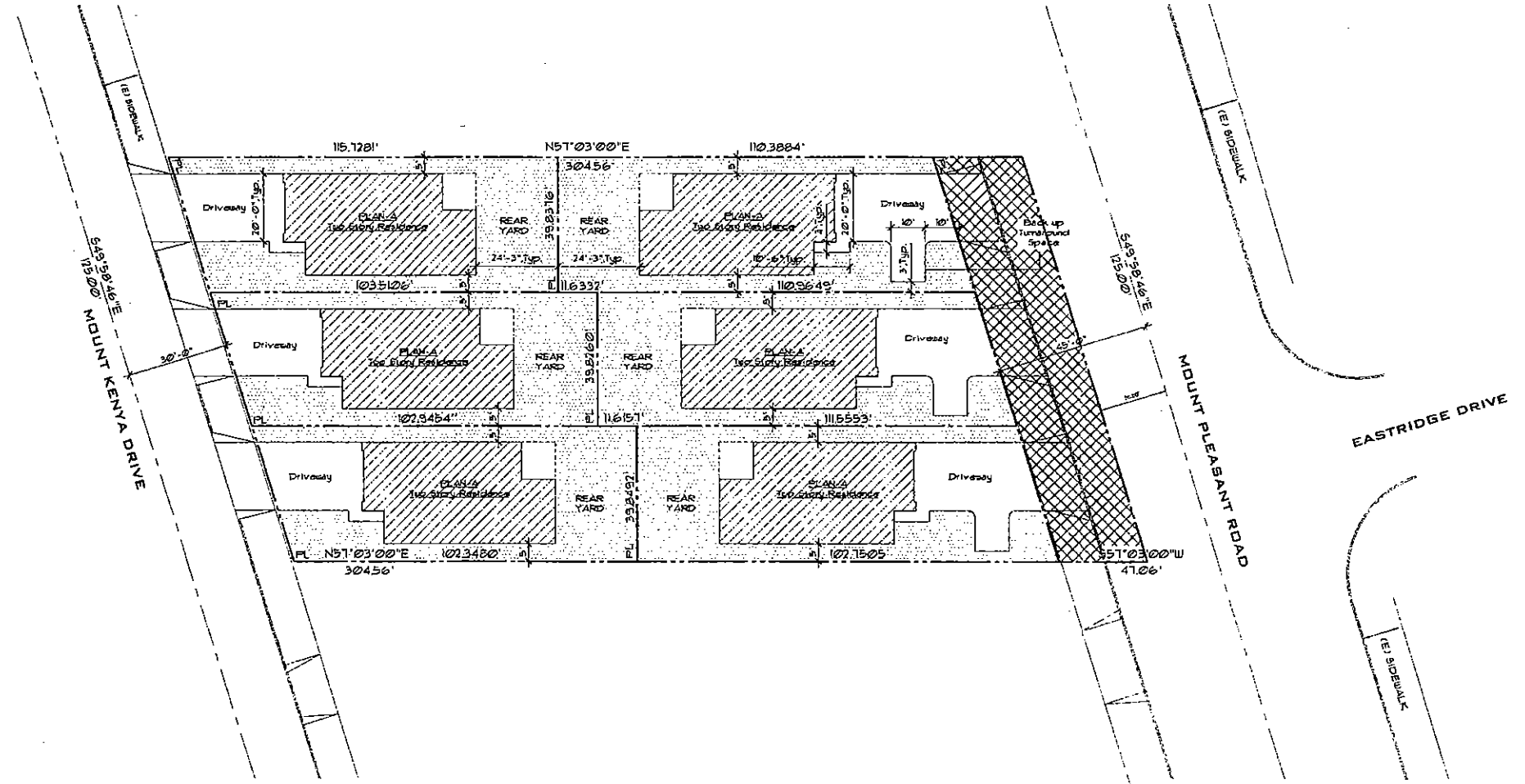
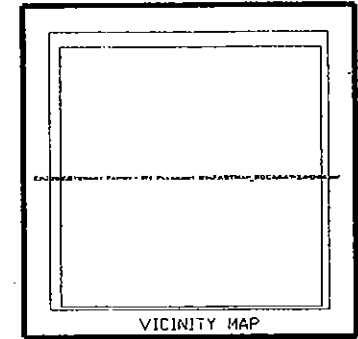
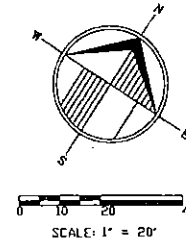
APPLICABLE CODES: 91 UBC, 91 UMC, 91 UPC, 96 NEC
ALL APPLICABLE AND LOCAL REQUIREMENTS
INCLUDING TITLE 24, 1998 CBC



LOT AREA (SF.)									
UNIT NO.	1ST FLOOR	2ND FLOOR	TOTAL LIVING	GARAGE	LOT SIZE	LOT COVERAGE	FAR	WALKWAY + DRIVEWAY	FRONT PORCH
UNIT 1	1100	x	x	4105	4000	x %	x	x	x
UNIT 2	1100	x	x	4105	4000	x %	x	x	x
UNIT 3	1100	x	x	4105	4000	x %	x	x	x
UNIT 4	1100	x	x	4116	4000	x %	x	x	x
UNIT 5	1100	x	x	4144	4000	x %	x	x	x
UNIT 6	1100	x	x	4145	4000	x %	x	x	x
TOTAL	10200	x	x	2836	x	x	x	x	x

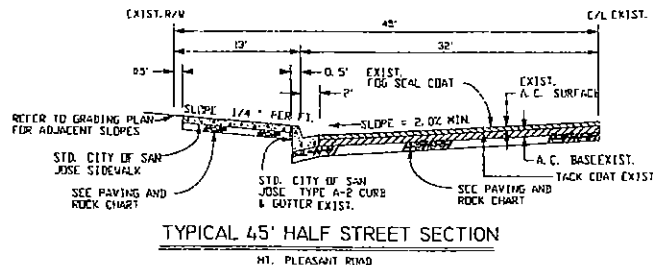
DEVELOPMENT STANDARDS

1. Building Setbacks: Front = 25'
Rear = 24'
Side = 5'
2. Building Height: 2 stories
3. Parking Ratio: 2 garage spaces/unit
Minimum Private Open Space: 250 Square Feet / Unit
4. Environmental Standards: TREE MITIGATION: Ordinance size trees to be removed shall be replaced by 24" box specimen trees at a ratio of 4:1. Trees 12"-18" in diameter to be removed shall be replaced by 24" box specimen trees at a ratio of 2:1. Trees less than 12" in diameter shall be replaced by 15-gallon box specimen trees at a ratio of 1:1.
5. Archaeological Mitigation: Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discover of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this state law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
6. PURSUANT TO ORDINANCE NO. 20467, no vested right to building permits shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager make a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority. Ordinance No. 20467 requires all land use and development permit approvals to include the specific notification that such approval does not include a vested right to building permits in the event that previous cumulative approvals have met or exceeded the capacity of the San Jose-Santa Clara Water Pollution Control Plant.
7. Minimum Lot Size: 4,000 SF.
8. Decks, Patios, Covers, and Trellises: To conform to the R-1-B Residential Zoning District requirements.
9. Accessory Structures: Shall Conform to Section 2004.050 and 2008.140 of the San Jose Municipal Code as amended 1/25/94.
10. Post-Construction Stormwater Treatment Controls: The City's National Pollutant Discharge Elimination System (NPDES) permit compliance guidance requires that this development must incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practicable. Planned Development Permit plans for this project shall include design details of all post-construction stormwater treatment controls proposed for the project, to satisfaction of the Director of Planning.



TABULATION

SYMBOL	DESCRIPTION	SQ. FT. +/-	AREA AC. +/-	% +/-	NO.	DENSITY DU/AC
	SINGLE FAMILY DETACHED	9251	0.21	30.7%	6	0.67
	LANDSCAPE	13621	0.31	45.1%	----	----
	DRIVEWAY	4242	0.10	14.0%	----	----
	GROSS	27022	0.62	89.6%	----	----
	NET	30148	0.69	100%	6	0.67



DEVELOPMENT SCHEDULE
JULY 2005 - DECEMBER 2005

EXISTING USE
2 EXIST STRUCTURE - TO BE REMOVED

NO.	DATE	REVISIONS	BY:	SCALE: 1" = 20'

LOUIS ENGINEERING CORPORATION
CIVIL ENGINEERING PLANNING SURVEYING
1700 NORTH 1ST STREET, SUITE 200, SAN JOSE, CA 95131
(408) 297-3100 (408) 297-2116 FAX

GENERAL DEVELOPMENT EXHIBIT C

LAND USE PLAN
MOUNT PLEASANT HOMES
FOR
MR. STEWART FAHMY
APN# 647-24-044

23701
SHEET
C2

SAN JOSE CALIFORNIA 07 X SHELTS

Calandev, LLC
226 Airport Parkway
Suite 530
San Jose, CA 95110

ML Pleasant Rd.
San Jose, CA

Client Revisions

City Revisions		
No.	Description	Date
1		
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4		
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Sheet Title:

Sheet No.: _____

File	Job
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1. Driveways to be concrete pavers.

— -- — Existing Property Line

STANDARD GRADING PLAN NOTES

Note: This drawing is approved subject to:

- All grading is subject to observation by the City. Permittee or representative shall notify the City of San Jose at (408) 277-5181 at least 48 hours before start of any grading.
- The Project Inspector is UNKNOWN. Voluntary No. (408) 990-XXXXXX.
- Approval of this plan applies only to the excavation, placement, and compaction of natural earth materials. This approval does not confer any rights of entry to either public property or the private property of others. Approval of this plan also does not constitute approval of any improvements. Proposed improvements are subject to review and approval by the responsible authorities and all other required permits shall be obtained.
- It shall be the responsibility of the Permittee or agent to identify, locate and protect all underground facilities.
- The permittee or agent shall maintain the streets, sidewalks and all other public rights-of-way in a clean, safe and usable condition. All soils of soil, rock or construction debris shall be removed from the publicly owned property during construction and upon completion of the project. All adjacent property, private or public shall be kept in a clean, safe and usable condition.
- All grading shall be performed in such a manner as to comply with the standards established by the Air Quality Management District for airborne particulates.
- This project has been designed to comply with the Flood Hazard Area Regulations as stated in Chapter 17.09 of the San Jose Municipal Code.
- All known well locations on the site have been included and such wells shall be maintained or abandoned according to current regulations administered by the Santa Clara Valley Water District. Call (408) 285-2800 Extension 2600 to arrange for District observation of all well abandonments.
- In the event that Human Remains and/or Cultural Materials are found, all project-related construction should cease within a 100-foot radius. The contractor shall, pursuant to section 7050.5 of the Health and Safety Code, and section 50072.4 of the Public Resources Code of the State of California, notify the Santa Clara County Coroner immediately.
- This plan does not approve the removal of trees. Appropriate tree removal permits and methods of tree preservation should be obtained from the City Planning Department and the City Arborist.
- A. The Civil Engineer for this project is: (Name and Address)
JOSEPH E. LOUIS - LOUIS ENGINEERING CORP. (1795 N. FIRST ST., #200, SAN JOSE, CA 95131)
B. This Rough Grading Plan has been prepared based on the recommendations of the referenced project Geotechnical Report.
- A. The Soil Engineer for this project is: (Name and Address)
DAVID A. RICHMAN - RICHMAN ENGINEERS (1390 S. CANTERBURY, SAN CARLOS, CA 94070)
B. The Geotechnical Report for this project is:
DATED JULY 2004 (Geologic Hazard, Seismicity, Foundations, Slopes, & Earthwork)
C. All grading work shall conform to the recommendations of the project Geotechnical Report and/or the project Soil Engineer.
D. All grading work shall be observed and approved by the Soil Engineer. The Soil Engineer shall be notified at least 48 hours before beginning any grading. Unobserved and/or unapproved grading work shall be removed and replaced under observation.
- A post construction "Final" Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the construction stating:
A. That the construction conforms to the lines and grades on the approved plans; or
B. That all significant changes were reviewed and approved in advance by the Department of Public Works; and the Civil Engineer shall submit a "Record Drawing" plan.
C. A post construction "Final" Report is required by the Director of Public Works from a Soil Engineer, and also from an Engineering Geologist if the project is in a Geologic Hazard Zone, stating:
A. That the anticipated conditions and materials and actual site conditions and materials were comparable; and supply supporting data; or
B. That the design was modified to meet the new conditions and was reviewed and approved in advance by the Department of Public Works; and provide supporting data for these statements.
- According to the City's Waste Water Ordinance, the use of potable (piped or hydrant) water for building or construction purposes including consolidation of backfill or dust control is prohibited. Reclaimed water is available (on a cost recovery basis) from the City's Environmental Services Department, Water Pollution Control Division located at 700 Los Esteros Road. For more information, please call Tom Hagan or Patrick Kwik at (408) 945-6500. An application for an Exception Permit to approve use of hydrant water can be considered in the PD Development Services Office, Room 208. Fax-back service is provided for this permit application -- contact (408) 277-5181.
- A Haul Route Permit is required for all projects moving more than 10,000 C.Y. of earth. This Grading Permit is invalid without the Haul Route Permit.
- Grading will not be allowed between October 15th and April 15th of any year without erosion control plans and measures approved by the Director of Public Works.
- A post construction "Final" Report is required by the Director of Public Works from a Civil or Soil Engineer retained by the owner to provide the final horizontal and vertical locations of subsurface installed for this project site.

NOTE:

THE BOUNDARY SHOWN HEREON IS COMPILED FROM RECORD INFORMATION.

THE PROPERTY LIES WITHIN THE CITY OF SAN JOSE. THIS SURVEY WAS PREPARED FROM TITLE REPORT ISSUED BY CHICAGO TITLE CO., DATED JUNE 6, 2003

BASIS OF BEARING:

THE BASIS OF BEARINGS BETWEEN 2 FOUND BRASS MONUMENTS LABELED AS CHICAGO OF THE CENTERLINE OF MOUNT PLEASANT RD. AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 410, PAGE 10.

TREE TABLE									
TREE	Ø	SIZE		TYPE	TREE	Ø	SIZE		TYPE
1	17"		X	PINE	7	6"			WILLOW
2	13"			OAK	8	6"		X	OAK
3	10"			MAPLE	9	6"		X	OAK
4	10"		X	PEPPER	10	6"		X	OAK
5	10"		X	OAK	11	6"		X	OAK
6	6"		X	MAPLE					

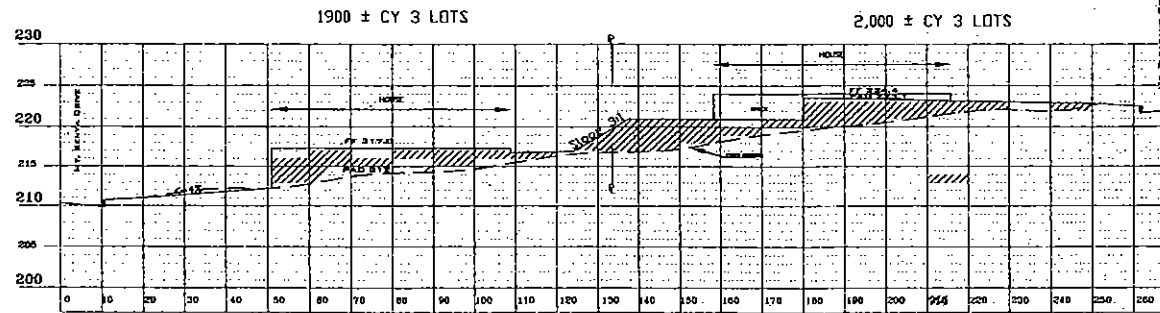
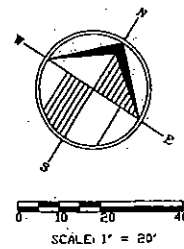
X - TO BE REMOVED

Quantities (cubic yards):

Cut 0
Fill 3500
Import 3500
Export 0

BASIS OF ELEVATION:

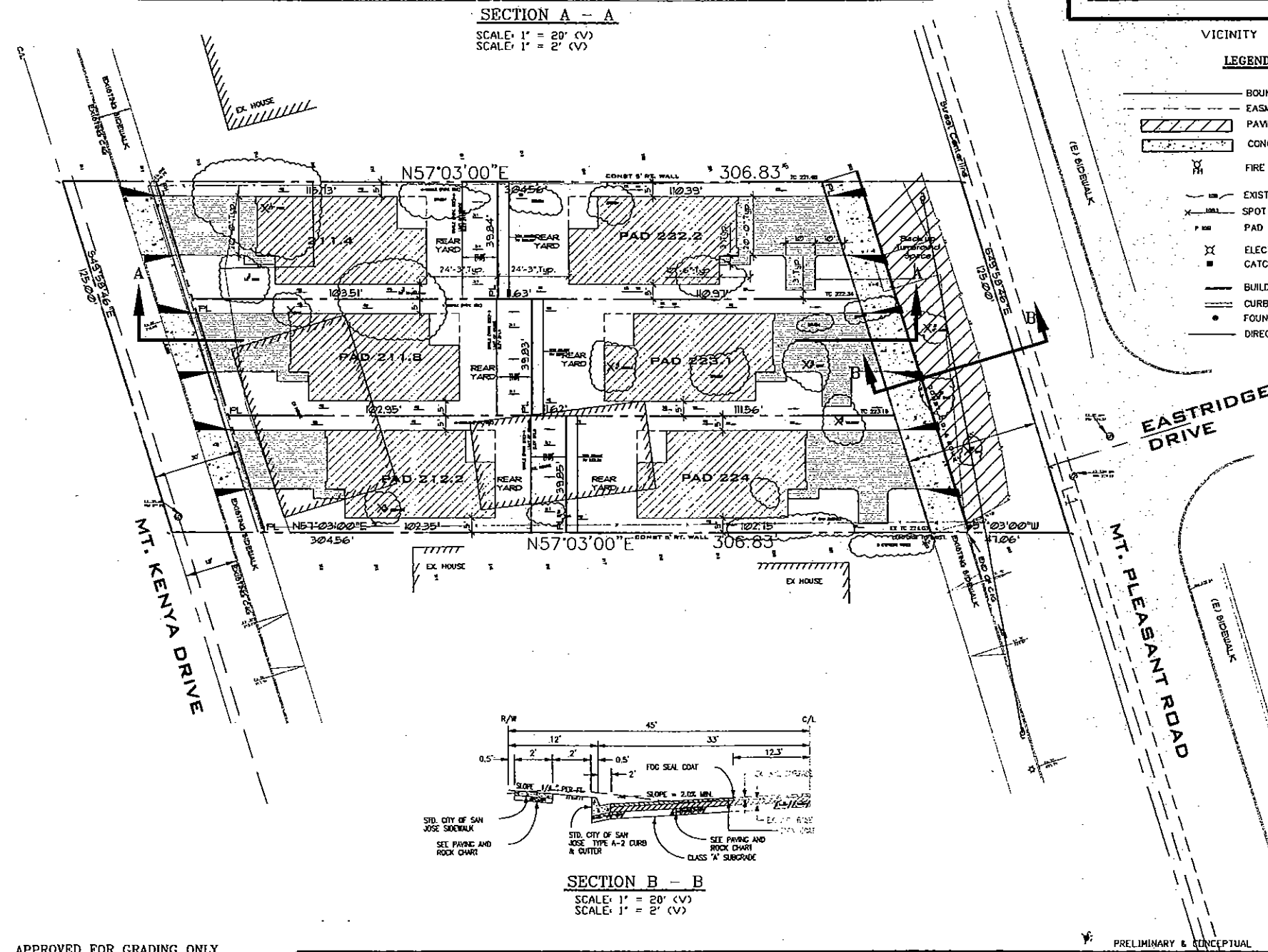
THE BASIS OF ELEVATIONS FOR THIS MAP IS A CHISELED SQ. ELEVATION FOUND ON THE IR ON MOUNT PLEASANT RD. LABELED ON EASTRIDGE DRIVE. ELEV = 225.24'



SECTION A - A

SCALE: 1" = 20' (V)

SCALE: 1" = 2' (H)



SECTION B - B

SCALE: 1" = 20' (V)

SCALE: 1" = 2' (H)

APPROVED FOR GRADING ONLY
DEPARTMENT OF PUBLIC WORKS
CITY OF SAN JOSE, CALIFORNIA
By _____
Date _____
Expiration Date _____

NO	DATE	REVISIONS	BY	SCALE: 1" = 20'

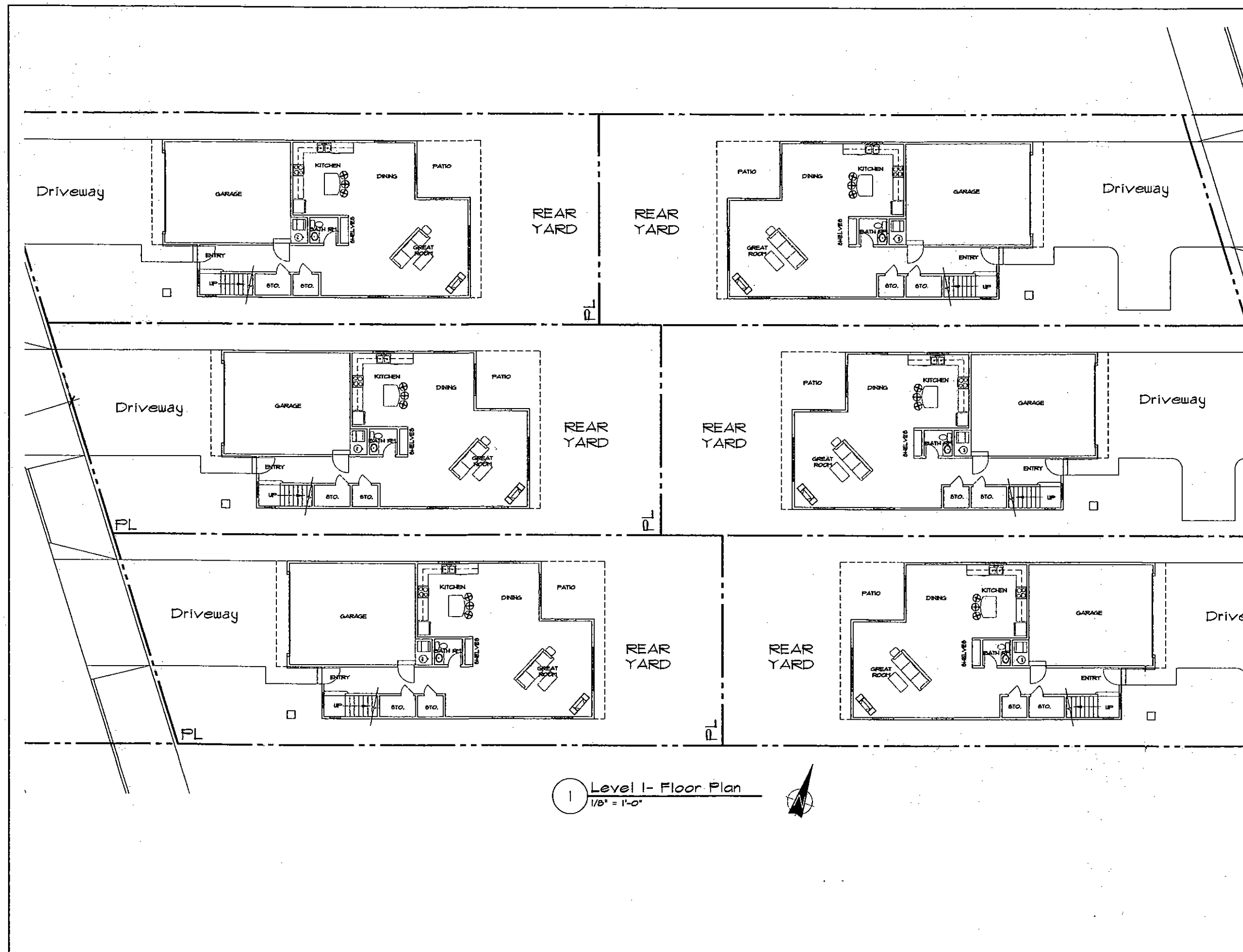
DRAWN BY: H.J.L.
DESIGNED BY: JEL
DATE: 7-23-04
BY: SCALE: 1" = 20'

LOUIS ENGINEERING CORPORATION
CIVIL ENGINEERING PLANNING SURVEYING
1795 MOUNT PLEASANT ROAD
SAN JOSE, CALIFORNIA 95131
(408) 297-3100 (408) 297-3110 FAX

GRADING & DRAINAGE PLAN
1795 MOUNT PLEASANT ROAD
FOR
MR. STEWART FAHMY
APN: 647-24-044

SAN JOSE CALIFORNIA OF C4 SHEETS

23701
SHEET
C4



1 Level 1- Floor Plan
1/8" = 1'-0"

Anderson Architects INC.

kanderson@andarchinc.com
Cell 408.202.1462

12201 Saratoga-Sunnyvale Rd.
Suite D Saratoga, CA 95070

Kurt B. Anderson, AIA
Principal

Tel. 408.446.1269
Fax. 408.446.3482

www.andarchinc.com

The use of these plans and specifications shall be restricted to the specific site for which they were prepared and publication thereof shall be expressly limited to such use. No use, reproduction or publication by any method, in whole or in part, is prohibited. Title to the plans and specifications remains with ANDERSON ARCHITECTS INC. without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the acceptance of the restrictions.

Client:

Calandev, LLC
226 Airport Parkway
Suite 530
San Jose, CA 95110

Project:

Mt. Pleasant
Mt. Pleasant Rd.
San Jose, CA

Stamp:

Client Revisions

No.	Description	Date
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City Revisions

No.	Description	Date
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Date: 02/28/04

Scale: AS NOTED

Drawn By: ML

Checked By: KA

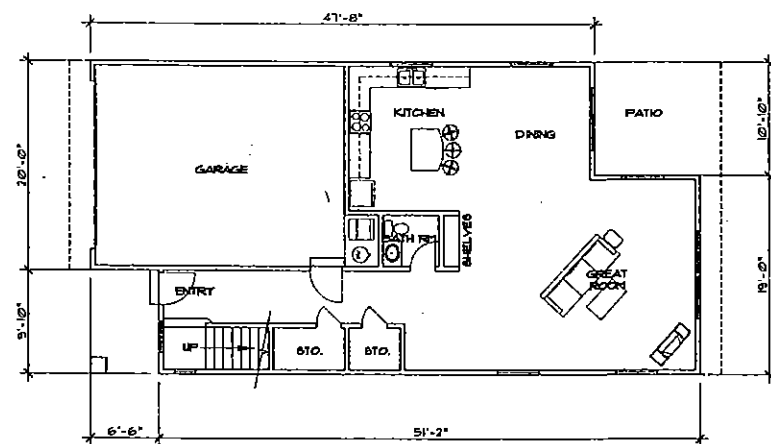
Sheet Title:

**Conceptual
First Floor Plan**

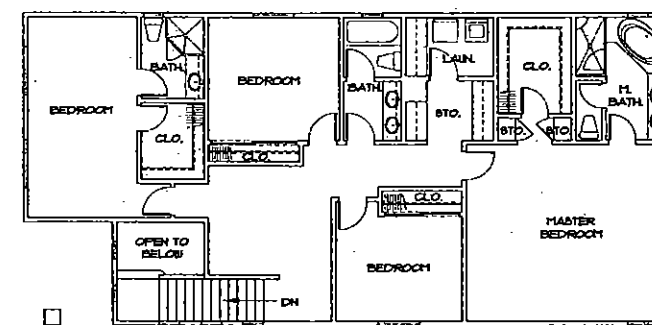
Sheet No:

A-5.0

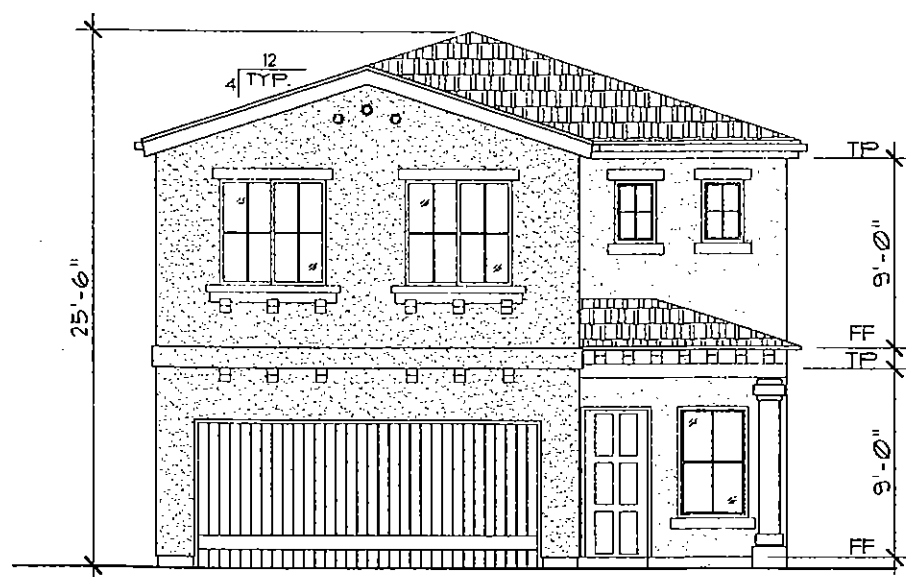
File: D:\ Job:



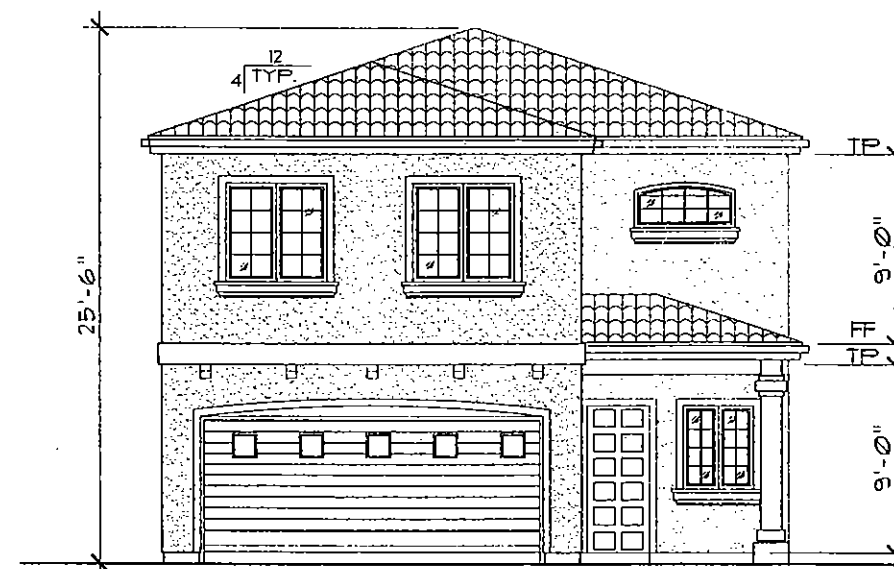
1 Level 1-Floor Plan
1/8" = 1'-0"



2 Level 2-Floor Plan
1/8" = 1'-0"



3 Front Elevation-Design 1
1/4" = 1'-0"



4 Front Elevation-Design 2
1/4" = 1'-0"

Anderson Architects Inc.

kanderson@andarchinc.com

Call 408.202.5462

12201 Saratoga-Sunnyvale Rd.

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Client:

Calandev, LLC

226 Airport Parkway
Suite 530
San Jose, CA 95110

Project:

Mt. Pleasant

Mt. Pleasant Rd.
San Jose, CA

Stamp:

Client Revisions

No.	Description	Date
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City Revisions

No.	Description	Date
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Date: 02/26/04

Scale: AS NOTED

Drawn By: ML

Checked By: KA

Sheet Title:

**Conceptual
1st & 2nd Floor Plan
& Elevations**

Sheet No:

A-5.1

File: D:\ Job: Mt. Pleasant

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• **Close:**

Calandev, LLC

226 Airport Parkway
San Jose, CA 95110

• Pivotal

Mt. Pleasant

Mr. Pleasant Rd.
San Jose, CA

Steps

Client Revisions

No.	Description	Date
1		
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City Revisions

No.	Description	Date
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7		
8		

Date: 02/26/04

Scale: 1/16"=1'-0"

Drawn By: MD

Checked By: KA

Sheet Title:

Conceptual Roof Plan

Sheet No.:

A-5.2

File	Job: Mt. Pleasant
------	-------------------

